

Item # 62

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Seminole Wekiva Trailhead (Mandell Property); Seminole County – applicant; request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the west side of I-4 approximately 600 feet south of E.E .Williamson Road.

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Cathleen Consoli **EXT.** 7377

**Agenda Date:** 8/26/03 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐  
**Public Hearing – 1:30** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. Enact ordinances APPROVING a request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the west side of I-4 approximately 600 feet south of E.E .Williamson Road based on staff findings and the attached development order; or
2. DENY a request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the west side of I-4 approximately 600 feet south of E.E .Williamson Road; or
3. CONTINUE the request to a date and time certain.

BCC District 3 - Van Der Weide

Cathleen Consoli, Senior Planner

**BACKGROUND:**

The Seminole County BCC requests a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) for property located west of Interstate 4 and east of the Seminole Wekiva Trail, south of E.E. Williamson Road.

On June 24, 2003, the Board directed staff to proceed with the negotiation of a contract to purchase these 8.9 acres to locate a trailhead, process a Billboard Agreement and process an administrative land use amendment and rezoning. Please see attached Agenda Memorandum for details. The site currently

Reviewed by: KRC  
Co Atty: \_\_\_\_\_  
DFS: \_\_\_\_\_  
OTHER: MW  
DCM: SS  
CM: KL

File No. ph700pdp07

accommodates five (5) Outdoor Advertising Signs. The proposed Billboard Agreement will result in the removal of three (3) signs, the reconstruction of the northern most sign to a multi-vision sign, and the southern most sign will remain. For this activity to take place, the Florida Statutes state that the land use for billboard property must be Industrial or Commercial. The proposed Planned Development land use restricts activity on the site to the following uses: Seminole Wekiva Trailhead, Outdoor Advertising Signs, and retention. The proposed PUD zoning will allow these uses and provide for access and retention.

**LPA/P&Z RECOMMENDATION:**

The LPA/P&Z recommended approval of this request with a vote of 5-0.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of this request based on the analysis in this report and conditions in the attached development order.

**NOTE**

It is the intention of staff to present the Contract to Purchase/Billboard Agreement associated with this request on August 26, 2003, prior to this item being presented at public hearing. However, the County Attorneys Office is attempting to reach an agreement with the owner's council. Should the issues with the contract not be resolved by the time of this hearing, Staff will be requesting a continuance of this item.

**MINUTES FOR THE SEMINOLE COUNTY  
LPA / P&Z COMMISSION  
AUGUST 6, 2003**

**Members present:** Alan Peltz, Dick Harris, Ben Tucker, Beth Hattaway, and Dudley Bates

**Members absent:** Thomas Mahoney, Chris Dorworth

**Also present:** Jeff Hopper, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, J.V. Torregrosa, Planner, Jim Potter, Development Review, Mahmoud Najda, Development Review Manager, Karen Consalo, Assistant County Attorney, J.R. Ball, Development Review, Don Fisher, Director of Planning and Development, Gary Rudolph, Utilities Manager and Candace Lindlaw-Hudson, Sr. Staff Assistant.

- H. **Seminole Wekiva Trailhead; (Mandell Property;)** Seminole County applicant; approximately 8.9 acres; Administrative Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the west side of I-4 approximately 600 feet south of E.E. Williamson Road (08-03SS.08 and Z2003-028)

Commissioner Van Der Weide - District 3  
Cathleen Consoli, Senior Planner

The Seminole County BCC requests a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) for property located west of Interstate 4 and east of the Seminole Wekiva Trail, south of E.E. Williamson Road.

On June 24, 2003, the Board directed staff to proceed with the negotiation of a contract to purchase these 8.9 acres to locate a trailhead, process a Billboard Agreement and process an administrative land use amendment and rezoning. Please see attached Agenda Memorandum for details. The site currently accommodates five (5) Outdoor Advertising Signs. The proposed Billboard Agreement will result in the removal of three (3) signs, the reconstruction of the northern most sign to a multi-vision sign, and the southern most sign will remain. For this activity to take place, the Florida Statutes states that the land use for billboard property must be Industrial or Commercial. The proposed Planned Development land use restricts activity on the site to the following uses: Seminole Wekiva Trailhead, Outdoor Advertising Signs, and retention. The proposed PUD zoning will allow these uses and provide for access and retention. A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities. This amendment will allow a trailhead

facility for the Seminole Wekiva Trail and reduce the number of Outdoor Advertising signs. Additional information regarding lighting, buffers, setbacks and facilities on site are required prior to Final master Plan approval.

Ms. Consoli stated that staff recommendation was for recommendation of approval with the following conditions:

1. The only permitted uses are Seminole Wekiva Trailhead and its accessory uses, retention areas and two (2) Outdoor Advertising signs; and
2. Vacation of right of way for Toula Way; and
3. The final Master Plan shall provide buffering to the west of the project, building setbacks, architectural style of proposed structures, proposed signage for the site, appropriate lighting design, and landscaping; and
4. Development shall comply with all applicable requirements of the Seminole County Land Development Code and the Vision 2020 Plan.

Spencer Phelps of 25 Bayridge Court said that he was in favor of this project.

Nancy Seigrist represented the Homeowners Association of Fern Drive. She has concerns that the land will be used as a trailhead only. 100 parking spaces could impact the property on Markham Woods Road. She wanted to know if traffic impacts have been considered.

Danny Bower owns a parcel to the south of the site and was concerned about access to his property if the trailhead is gated.

Commissioner Tucker inquired about an easement to his property.

Mr. Bower stated that he was not sure of an existing easement.

The public hearing was now closed.

Ms. Consoli stated that the property had not yet been purchased.

Cindy Matheny stated that the trailhead was not yet funded. This is the highest use for the property. It will mainly be used on weekends and will not contribute to traffic. As of now there is no legal parking in the area.

Commissioner Tucker said that this request will address the parking problem in the area.

Cindy Matheny stated that the only parking is on SR 434 near San Sebastian. This will serve the central part of the trail.

Don Fisher stated that the County has a survey of the property and that there is no easement for Mr. Bower to access his property. Mr. Fisher said that he will work with a neighbor to get access to the billboard on Mr. Bower's property.

Ms. Seigrist stated that 100 cars will have an impact on the area. She again asked for the parking lot to be limited in size.

**Commissioner Peltz made a motion to recommend approval as written in the staff report.**

**Commissioner Bates seconded the motion.**

**The motion passed by a vote of 5 – 0.**

# Seminole Wekiva Trailhead Rezone and Land Use Amendment Staff Report

<b>Suburban Estates to Planned Development</b>		<b>Amendment (Z2003-028, 08-03SS.08)</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	Seminole County BCC	
<b>PLAN AMENDMENT</b>	Suburban Estates to (SE) to Planned Development (PD)	
<b>REZONING</b>	A-1 to Planned Unit Development (PUD)	
<b>APPROXIMATE GROSS ACRES</b>	8.9	
<b>LOCATION</b>	West side of Interstate 4 approximately 600 feet south of E.E. Williamson Road	
<b>BCC DISTRICT</b>	District 3 – Van Der Weide	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>STAFF RECOMMENDATION August 6, 2003</b>	Recommend APPROVAL of the PD future land use designation and rezoning from A-1 to PUD subject to the attached Development Order.	
<b>LPA/P&amp;Z RECOMMENDATION AUGUST 6, 2003</b>	The LPA/P&Z recommended approval of this request with a vote of 5-0.	

# STAFF ANALYSIS

## Suburban Estates to Planned Development

Amendment  
(Z2003-028,  
08-03SS.08)

1. **Property Owners:** Greater Construction Corporation, Robert Mandell
2. **Tax Parcel Numbers:** 35-20-29-501-0000-0100, 0150, 0200, 0270.
3. **Development Trends:** Development in this area is characterized by single family homes to the west and commercial activity to the north. The subject property is flanked by the Seminole Wekiva Trail on the west and Interstate 4 on the eastern property line.

## SITE DESCRIPTION

- A. **EXISTING AND PERMITTED USES:** The future land use designation of Suburban Estates currently assigned to the subject property, allows for large lot single family homes. Existing A-1 zoning implements the permitted uses allowed under the Vision 2020 Plan. Currently, five (5) non-conforming outdoor advertising signs are located on the site.

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1	<i>Outdoor advertising signs</i>
North	Suburban Estates	A-1	Aquatic Club
South	Suburban Estates	A-1	Vacant
East	Interstate Highway	A-1	Interstate 4
West	Suburban Estates	A-1	Seminole Wekiva Trail, Single family

*\*See enclosed future land use and zoning maps for more details.*

## COMPREHENSIVE PLAN CONSISTENCY

**2. PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

**Summary of Program Impacts:** The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property will be from E.E. Williamson along a dedicated easement adjacent to the eastern boundary of the Seminole Wekiva Trail

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is on a septic system. Seminole County water is currently available to the site.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #36. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**3. REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity*



*impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

**B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The subject property contains no wetlands.

**C. Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

**4. DEVELOPMENT POLICIES** - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, the proposed PD land use is compatible to the adjacent properties with sensitive site design adjacent to the neighboring SE property. This amendment will allow a trailhead facility for the Seminole Wekiva Trail and reduce the number of Outdoor Advertising signs. Additional information regarding lighting, buffers, setbacks and facilities on site are required prior to Final master Plan approval.

Applicable Plan policies include, but are not limited to, the following:

**Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that Commercial can be a compatible transitional use adjacent to Suburban Estates with sensitive site design elements such as sufficient buffers and setbacks, controlled impervious areas, and lighting controls. The proposed Planned Development land uses will be limited to the trailhead and remaining billboards.

Other applicable plan policies include:

*FLU 2.2: Regulation of Active Uses.*

*TRA 3.1: Bicycle and Recreational Trail Planning and Coordination*

*REC 5.2 Recreational trail Development*

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, or any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request with the following conditions:

1. The only permitted uses are Seminole Wekiva Trailhead and its accessory uses, retention areas and two (2) Outdoor Advertising signs; and

2. Vacation of right of way for Toula Way; and
3. Access rights will be provided for the Outdoor Advertising Signs for maintenance; and
4. The Final Master Plan shall provide buffering to the west of the project using existing and native vegetation, provide building setbacks, architectural style of proposed structures, proposed signage for the site, appropriate lighting design, and landscaping; and
5. Development shall comply with all applicable requirements of the Seminole County Land Development Code and the Vision 2020 Plan.

## SEMINOLE COUNTY DEVELOPMENT ORDER

On August 26, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### FINDINGS OF FACT

**Property Owner:** The Greater Construction Corporation  
1105 Kensington Park Drive  
Altamonte Springs, FL 32714

**Project Name:** Seminole Wekiva Trailhead (Mandell Property)  
**Requested Development Approval:** Rezone from A-1 (Agricultural District) to PUD (Planned Unit Development) and approval of the preliminary Master Plan

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: CATHLEEN CONSOLI  
1101 East First Street  
Sanford, Florida 32771

## Order

### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  - a) The only permitted uses are Seminole Wekiva Trailhead and its accessory uses, retention areas and two (2) Outdoor Advertising signs. Details of removal and reconstruction of these signs will be provided in a separate agreement; and
  - b) Vacation of right of way for Toula Way; and
  - c) The final Master Plan shall provide buffering to the west of the project, building setbacks, architectural style of proposed structures, proposed signage for the site, appropriate lighting design, and landscaping; and
  - d) Development shall comply with all applicable requirements of the Seminole County Land Development Code and the Vision 2020 Plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first above.

By: \_\_\_\_\_  
Daryl McLain  
Chairman

## Order

OWNER'S CONSENT AND COVENANT

**COMES NOW**, The Greater Construction Corporation, the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
 Property Owner Greater Construction Company  
 Robert Mandell, President

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Witness

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Witness

\_\_\_\_\_  
 Print Name

STATE OF FLORIDA     )

COUNTY OF SEMINOLE    )

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Robert Mandell, President of the Greater Construction Corporation who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Notary Public, in and for the County and State  
 Aforementioned

My Commission Expires:

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Seminole Wekiva Trailhead Rezone and Land Use Amendment Staff Report.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development.)

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of said filing and recording of the Development Order #03-22000007 in the Official Land Records of Seminole County.

ENACTED this 26th day of August, 2003

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl McLain  
Chairman



## Exhibit "A"

### Legal Description

That portion of Lots 9, 10, 15, 20, and 27, DES PINAR ACRES, according to the plat thereof, as recorded in Plat Book 12, Page 52, Public Records of Seminole County, Florida, lying East of the Atlantic Coastline Railroad right-of-way and West of the Interstate 4 road right-of-way, LESS the North 100 feet thereof.

AND ALSO: Whatever right, title or interest as the Owners may have in that portion of Toulas Avenue lying between the southern boundary of Lots 9 and 10, and the northern boundary of Lot 15, DES PINAR ACRES, according to the plat thereof, as recorded in Plat Book 12, Page 52, Public Records of Seminole County, Florida.

Containing 8.987 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM SUBURBAN ESTATES (SE) TO PLANNED DEVELOPMENT (PD); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

**WHEREAS**, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

**WHEREAS**, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

**WHEREAS**, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on August 6, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on August 26, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Seminole Wekiva Trailhead Rezone and Land Use Amendment Staff Report".

**NOW, THEREFORE, BE IN ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND

USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on

the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance from Suburban Estates to Planned Development, number 03-08SS.08

- a) The associated rezoning request was completed by means of Ordinance Number 2003-\_\_\_\_\_.
- b) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

**Section 3. SEVERABILITY:**

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

**Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:**

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

**Section 5. EFFECTIVE DATE:**

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of

County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

**ENACTED this 26<sup>th</sup> day of August, 2003.**

**BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA**

By: \_\_\_\_\_

**Daryl McLain  
Chairman**

## Exhibit "A"

### Legal Description

That portion of Lots 9, 10, 15, 20, and 27, DES PINAR ACRES, according to the plat thereof, as recorded in Plat Book 12, Page 52, Public Records of Seminole County, Florida, lying East of the Atlantic Coastline Railroad right-of-way and West of the Interstate 4 road right-of-way, LESS the North 100 feet thereof.

AND ALSO: Whatever right, title or interest as the Owners may have in that portion of Toulas Avenue lying between the southern boundary of Lots 9 and 10, and the northern boundary of Lot 15, DES PINAR ACRES, according to the plat thereof, as recorded in Plat Book 12, Page 52, Public Records of Seminole County, Florida.

Containing 8.987 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Request by staff for authorization to proceed with negotiating a contract to purchase a trailhead for the Seminole-Wekiva Trail; process an administrative land use and rezoning application; and, prepare and process a Billboard Agreement

**DEPARTMENT:** Planning and Development **DIVISION:** Administration

**AUTHORIZED BY:** Donald Fisher **CONTACT:** Donald Fisher **EXT.** 7397

Agenda Date 06/24/03 Regular ☒ Consent ☐ Work Session ☐ Briefing ☐  
Public Hearing – 1:30 ☐ Public Hearing – 7:00 ☐

**MOTION/RECOMMENDATION:**

Authorize staff to proceed with negotiating a contract to purchase 8.9 acres for the purpose of a trailhead; process an administrative land use amendment and rezoning; and, prepare and process a Billboard Agreement for a property located at the southwest corner of Interstate 4 and E.E. Williamson Road.

(District 3 – Commissioner Van Der Weide)

**BACKGROUND:**

Staff is seeking the Board's authorization to proceed with negotiating a contract to purchase an 8.9 acre site situated at the southeast corner of Interstate 4 and E.E. Williamson Road. The potential use for the site would be for a trailhead for the Seminole-Wekiva Trail.

The County was recently approached by the site's owner inquiring whether the County was interested in its purchase. Due to a need for a trailhead along the Seminole-Wekiva Trail, staff expressed interest for it was believed that the site's size and location makes it ideal for this purpose.

An appraisal of the property indicates a value of \$615,700 without consideration of development impacts caused by any onsite gopher tortoises, or without consideration of the value of existing outdoor advertising signs. The owner is seeking an approximate

Reviewed by: \_\_\_\_\_  
Co Atty: 2  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: MB  
CM: DB  
File No: rpda01

purchase price of \$575,000, subject to several stipulations. Of note at this time, the owner desires to retain ownership of two (2) of five (5) single-faced billboards that currently exist on the site. The billboards are currently non-conforming due to zoning (currently A-1), separation, and construction. The owner proposes to remove all of the billboards and then construct two new boards meeting today's current structural standards. Further, the construction proposes that one board include a westbound tri-vision face and eastbound static face; and that the other board include one westbound tri-vision face.

To accommodate the above, a Billboard Agreement, as authorized by Ordinance 2003-20 will be necessary. Billboard Agreements allow the Board to permit the removal and construction of outdoor advertising signs when the interest of the public is furthered. In this case, an agreement may be appropriate because it is in the public's interest to have a trailhead at Interstate 4 and E.E. Williamson Road.

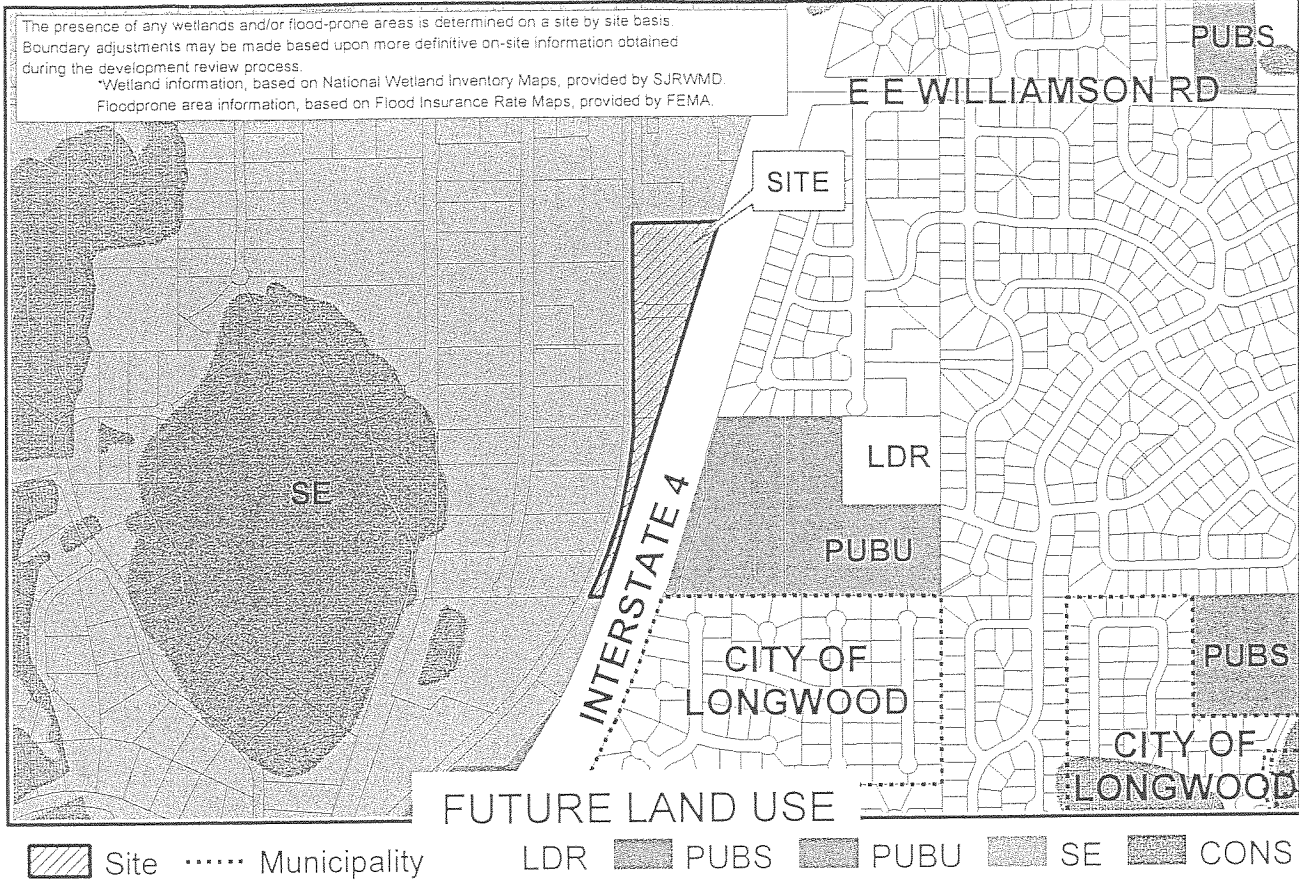
In addition to required County approvals, State permits are needed for billboard construction / reconstruction. Chapter 479, Florida Statutes, requires that for any new or reconstructed board on a Federally Aided Highway, that the assigned land use must either be commercial or industrial. Due to the current designation of Suburban Estates Land Use and A-1 (Agriculture) Zoning, a land use amendment and rezoning will be necessary.

Staff met with representatives of the Florida Department of Transportation (FDOT) to discuss this matter. FDOT indicated that the property must be rezoned before they can issue any permits/licenses that will allow the construction as proposed. Staff recommends that to satisfy this requirement, the Board authorize staff to process an administrative land use amendment to Planned Development (PD) and rezoning application to Planned Unit Development (PUD). Staff recommends PD Land Use and PUD Zoning so that the approved uses can be limited and specific: trailhead, retention, and two (2) billboards. FDOT staff concur with this proposal.

#### **STAFF RECOMMENDATION:**

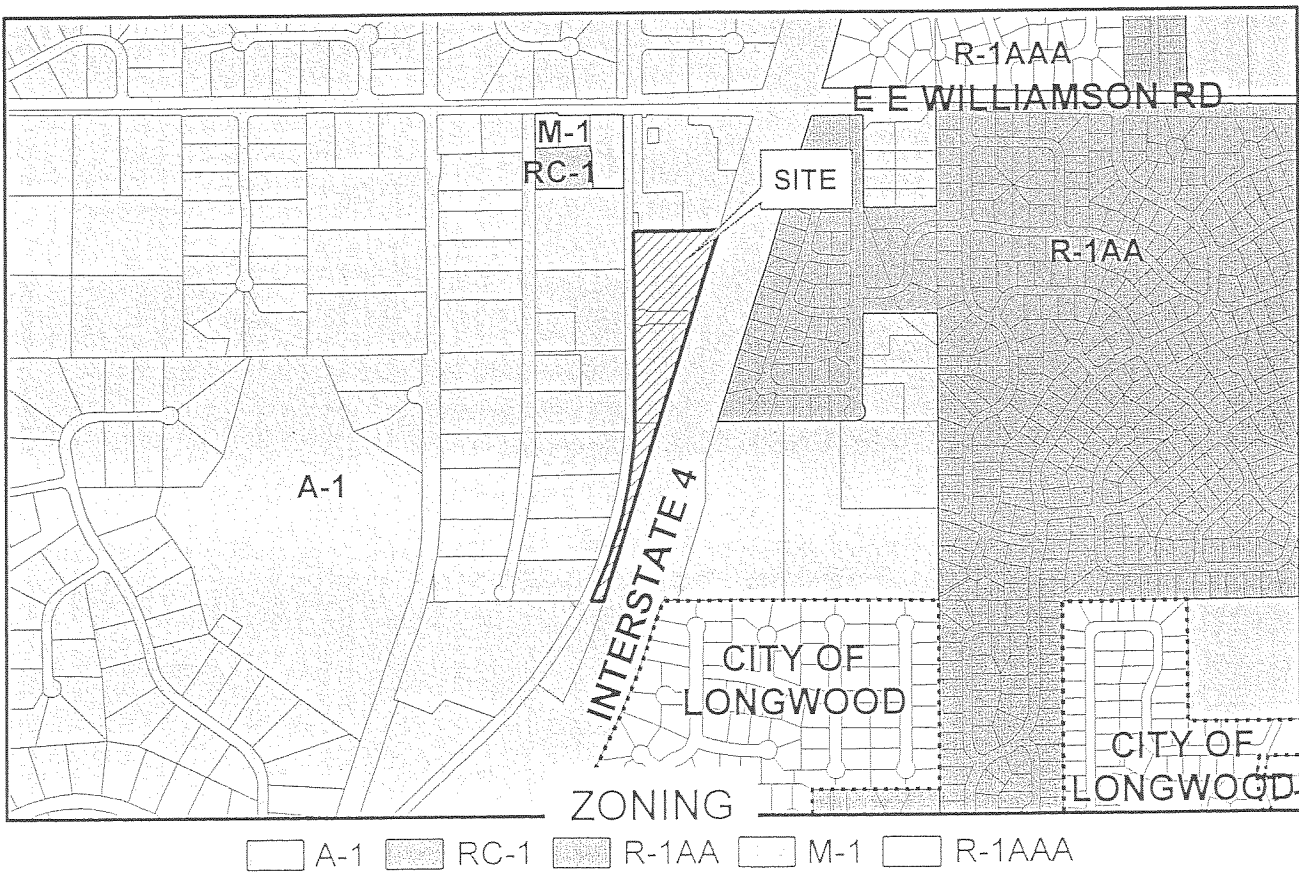
Staff recommends that the Board authorize staff to negotiate a contract to purchase approximately 8.9 acres located at the southwest corner of Interstate 4 and E.E. Williamson Road; authorize staff to process an administrative land use amendment and rezoning; and, authorize staff to prepare and process a Billboard Agreement.

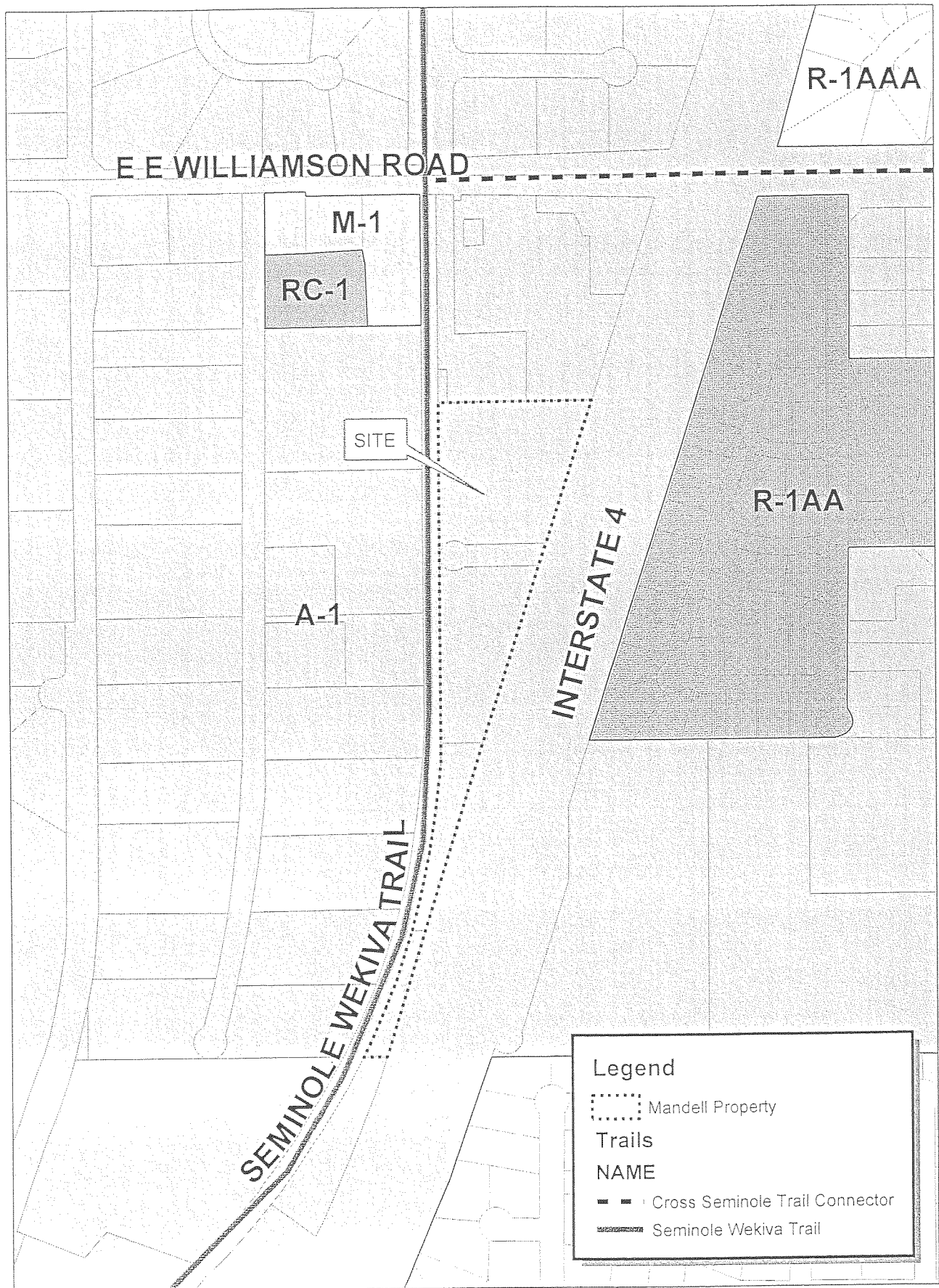




Applicant: Seminole County BCC  
 Physical STR: 35-20-29-501-0000-0100, 0150, 0200, & 0270  
 Gross Acres: +/-8.1 BCC District: 3  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	08-03SS.08	SE	PD
Zoning	Z2003-028	A-1	PUD







Amendment No. 08-03SS.08

From: SE To: PD

Rezone No: Z2003-028

From: A-1 To: PUD



Parcel



Subject Property



February 1999 Color Aerials

# Seminole Wekiva Trailhead PUD Preliminary Master Plan

